IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9582 of 2005

Between:

Nagaraja Guptha, S/o. P. Pullaiah, Age: 29 years,
Fair Price Shop Dealer, 21st ward, Ananthapur.

... PETITIONER

AND

1 The District Collector, Ananthapur
2 The Joint Collector, Ananthapur.
3 The Revenue Divisional Officer, Anathapur.
4 The Mandal Revenue Officer, Ananthapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or directions, declaring the action of the first respondent in neither disposing of the Revision petition filed by the petitioner nor granting stay orders in the said Revision as illegal and arbitrary by setting aside the proceedings dt 31.3.2005in R.C.No.K4/ATP/1448/04 on the file of the 2nd respondent confirming the order dt.15.11.2004 in Rc.No. D1/CS/1652/2004 on the file of the 3rd Respondent, by further directing the fourth respondent to continue to supply essential commodities to the petitioner every month, on regular basis; Award costs.

Counsel for the Petitioner: MR.N.RANGA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

O R D E R:

This writ petition is filed seeking a declaration that the action of the first respondent in neither disposing of the revision nor granting stay order in it is illegal and arbitrary, with a consequential direction to the 4th respondent to continue the supply of essential commodities to the petitioner every month.

The petitioner was appointed as Temporary Fair Price Shop Dealer for 21st Ward at Ananthapur on 28.5.2004. Based on the report, dated 28.10.2004 submitted by the 4th respondent, Mandal Revenue Officer, regarding the irregularities committed by the petitioner, the 3rd respondent through his order dated 15.11.2004 cancelled the dealership of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the 2nd respondent, the Joint Collector, and as the 2nd respondent did not pass any orders in the appeal, the petitioner filed W.P.No.22373 of 2004 for appropriate directions. This Court, while disposing of the said writ petition, stayed the order of cancellation till the second respondent disposes of the appeal preferred by the petitioner. Thereafter, the second respondent dismissed the said appeal, through the impugned order dated 31.3.2005. Aggrieved by the same, the petitioner preferred a revision before the first respondent, the District Collector. Contending that no orders have been passed so far by the first respondent, either in the revision or in the application for stay, for which the petitioner is unable to conduct his business, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

In view of the facts and circumstances of the case, I deem it appropriate to direct the revisionary authority, first respondent, to dispose of the revision filed by the

petitioner.

Hence, the writ petition is disposed of, directing the first respondent to dispose of the revision preferred by the petitioner, within four weeks from the date of receipt of a copy of this order. It is also directed that the petitioner shall be continued as Fair Price Shop dealer till the disposal of the revision, pending before the first respondent. No order as to costs.

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26th April 2005

Note: Operative portion by wire.

(B/o)

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To

1 The District Collector, Ananthapur
2 The Joint Collector, Ananthapur.
3 The Revenue Divisional Officer, Anathapur.
4 The Mandal Revenue Officer, Ananthapur.

5 Two C.Cs. to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

6. Two C.D.copies.